

Date Received:

Town Clerk:



NOTICE OF DECISION
Number 07-16

Date of Application: October 15, 2007

Subject of Appeal: The application of Peter Bishop and Paula LaMarche for a Variance from Section 5.1, *Accessory Buildings*, of the Ashburnham Zoning Bylaws in order to construct a shed addition and all other necessary zoning relief on the property located at 108 Stodge Meadow Road, Map 68, Parcel 33 in the RB District.

Date of Hearing: November 14, 2007

Date of Decision: November 14, 2007

Findings: The Board finds that Section 1.42 applies and a Special Permit may be sought. Section 3.24(b) does not apply because the shed is a pre-existing non-conforming structure:

1.42 Alteration and Enlargement – a non-conforming building may be altered or enlarged provided that such alteration or enlargement conforms to applicable yard, building height and lot coverage requirements, but a nonconforming extension or alteration of a non-conforming structure may be permitted by special permit and only if there is a finding by the Zoning Board of Appeals that such extension or alteration shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. In no case may the height of a permitted nonconforming alteration or extension of a non-conforming structure exceed that of the applicable schedule of dimensional regulations except by a variance.

Decision: The Special Permit is granted with conditions the following conditions:

1. Proposed extension to shed not to exceed height of existing shed.
2. Proposed extension to be no closer to lot line than existing shed (7 feet south side) as shown on plan.
3. Proposed extension no closer than 10 feet to front of lot as shown on plan presented to Board.

Basis for Decision: The granting of a Special Permit will not derogate from the intent of the Bylaw nor harm the neighborhood.

Vote of the Board:

Unanimous to Grant: David Perry, Chair
Joseph Daigle
Terry Girouard
Cheryl Anderson

Notice: Any decision of the Board of Appeals may be appealed to the Superior Court of Worcester County within 20 days by the Applicant, Town Boards or Officers, or any person aggrieved by the decision. Appeal may also be made in Fitchburg District Court.

After the 20 days appeal period, if no appeals have been filed, this decision must be recorded with the Registry of Deeds.